

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1947 OF 2006

Sudhakar Krishna Poojari, .. Petitioner
Vs
State of Maharashtra and ors. .. Respondents.

Mr. R.P.Javanjal, for the petitioner.
Ms S.D.Shinde, APP for the respondents.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE, JJ.

DATED : 21st MARCH, 2007

P.C.:

1. The petitioner was acquitted by the learned Addl.Sessions Judge, Mumbai, on 2.9.2005. He was charged along with others for the offences punishable under sections 449,302 and 394 read with 34 of the Indian Penal Code. In this petition, the petitioner has prayed for compensation of Rs.Ten lacs. We have heard the learned counsel for the petitioner and the learned APP for the respondents. The learned counsel for the petitioner submitted that vital piece of evidence was suppressed by the investigating agency and the petitioner was falsely involved in the case. The learned counsel submitted that in view of his acquittal the petitioner is entitled for compensation. We are informed by the learned APP that the State of Maharashtra has filed an appeal against the said judgment and order of acquittal. The Appeal is admitted

and this Court has directed that action under section 390 of Cr.P.C may be taken. In view of this, there is no finality to the order of acquittal. Even otherwise, we have doubt whether such a petition can be entertained in the facts of this case. In any case in view of the pendency of the appeal, such prayer cannot be granted. The writ petition is dismissed.

(D.B.BHOSALE, J.)

(SMT.RANJANA DESAI, J.)